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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL REYES MIRABAL,

Petitioner,

vs.

S. W. ORNOSKI,

Warden, San Quentin State Prison,
Respondent.

No. C 06-02257 MMC

**STIPULATED REQUEST FOR A
FIVE-DAY EXTENSION OF TIME
FOR PETITIONER MIRABAL TO
FILE HIS TRAVERSE**

Petitioner MICHAEL REYES MIRABAL, pursuant to the Court's order of June 15, 2006, Civil Local Rules 6-1, subdivision (b), 6-2, and 7-11, through counsel, submits the following stipulation between the parties for extending the time for filing the traverse in this case by five (5) days from September 8, 2006, until September 13, 2006, upon agreement and order by the Court.

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DECLARATION OF COUNSEL IN SUPPORT OF STIPULATED REQUEST

I, Margaret Littlefield, declare under penalty of perjury of the laws of the State of California and of the United States:

1. I am one of the attorneys for Petitioner MICHAEL REYES MIRABAL (“Mirabal”), who has retained the Law Offices of Michael Sattris to represent him in the within proceedings. I have been preparing the traverse in this case on behalf of Mirabal.

2. By order of the district court filed June 15, 2006, Respondent Ornoski (“Ornoski”) was directed to file an answer in this case on or before August 14, 2006, and Mirabal his traverse within thirty days of the filing of the answer. The answer was filed on August 9, 2006, making Mirabal’s traverse due on September 8, 2006.

3. The week of August 28, 2006, I began suffering from pain that I believed was related to sinus problems. As the week wore on the pain became so severe that I was unable to work consistently. At the beginning of the week I was diagnosed with a tooth infection requiring a root canal, which is scheduled for today. Because of my inability to work consistently in the last week and a half, I have been unable to complete the traverse in Mirabal’s case so that it can be filed by September 8, 2006.

4. I have spoken to Denise Yates, Deputy Attorney General representing Ornoski (Patricia Heim is out of the office this week), who has no objection to a few days’ extension of time for Mirabal to file his traverse.

5. This stipulated agreement for extension of time is not made for purposes of delay. Mirabal meanwhile remains incarcerated pursuant to the judgment challenged in this action, and he has every incentive to timely prosecute his petition.

Dated: September 7, 2006

/s/ Margaret Littlefield
MARGARET LITTLEFIELD

1 Accordingly, under the provisions of the Court's order of June 15, 2006, and
2 Civil Local Rules 6-1, 6-2, and 7-11 COUNSEL FOR PETITIONER AND
3 COUNSEL FOR RESPONDENT HEREBY STIPULATE that Mirabal may file his
4 traverse to the answer on or before September 13, 2006.

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6 Dated: September 7, 2006 /s/ Margaret Littlefield
7 MARGARET LITTLEFIELD
8 Attorney for Petitioner

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10 Dated: September 7, 2006 /s/ Denise Yates
11 DENISE YATES
12 Deputy Attorney General
13 Attorney for Respondent

14 PURSUANT TO STIPULATION IT IS SO ORDERED.

15 Dated: September 8, 2006

16 Maxine M. Chesney
17 MAXINE M. CHESNEY
18 United States Judge
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